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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 APR 16 P 3:08

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR 16 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES, L.L.C., DBA JOHNSON
UTILITIES COMPANY FOR AN INCREASE IN
ITS WATER AND WASTEWATER RATES FOR
CUSTOMERS WITHIN PINAL COUNTY,
ARIZONA.

DOCKET NO. WS-02987A-08-0180

PROCEDURAL ORDER

BY THE COMMISSION:

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson") filed with the Arizona Corporation Commission ("Commission") an application for increases in its water and wastewater utility rates.

On August 15, 2008, by procedural order, a hearing in this matter was scheduled to commence on April 23, 2009, public notice was ordered, and other filing dates were established. The prehearing conference is set for April 20, 2009, at 2:30 p.m.

Intervention in this proceeding has been granted to Swing First Golf, LLC, the Residential Utility Consumer Office, and the Town of Florence ("Florence").

On April 15, 2009, the Commission's Utilities Division ("Staff") filed a Motion to Compel ("Motion"). Staff requested an order directing that Johnson and/or Florence be directed to immediately make arrangements for Staff's review of the workpapers associated with an audit previously provided to Staff by Johnson in response to a Data Request. A copy of the audit was attached to the Motion as an exhibit.

If Johnson and/or Florence have not yet made the requested arrangements by the time the prehearing conference commences, the issue should be discussed at the prehearing conference.

IT IS THEREFORE ORDERED that if Johnson Utilities, LLC, dba Johnson Utilities Company and/or the Town of Florence have not, by the time the currently scheduled prehearing conference commences, made the arrangements requested by the Commission's Utilities Division for

1 its review of the workpapers associated with the Henry and Horne, LLP audit dated June 26, 2007
2 that was previously provided to Staff, the parties shall be prepared to discuss the April 15, 2009
3 Motion to Compel at the prehearing conference.

4 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
5 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
6 *pro hac vice*.

7 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
8 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
9 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
10 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
11 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
12 Administrative Law Judge or the Commission.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
14 Communications) continues to apply to this proceeding and shall remain in effect until the
15 Commission's Decision in this matter is final and non-appealable.

16 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
17 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

18 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
19 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
20 hearing.

21 DATED this 16th day of April, 2009.

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TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 11th day of April, 2009 to:

Jeffrey W. Crockett, Esq.
Bradley S. Carroll, Esq.
Kristoffer P. Kiefer, Esq.
SNELL & WILMER LLP
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004
Attorneys for Johnson Utilities, LLC

Craig A. Marks
CRAIG A. MARKS, PLC
10645 N. Tatum Blvd., Suite 200-676
Phoenix, Arizona 85028
Attorney for Swing First Golf, LLC

Daniel Pozefsky, Chief Counsel
RESIDENTIAL UTILITY
CONSUMER OFFICE
1110 West Washington Street, Suite 220
Phoenix, AZ 85007-2958

James E. Mannato, Town Attorney
TOWN OF FLORENCE
775 North Main Street
P.O. Box 2670
Florence, AZ 85232-2670

Janice Alward, Chief Counsel
Nancy Scott, Staff Attorney
Ayesha Vora, Staff Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007-2927

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007-2927

By: 

Debra Broyles
Secretary to Teena Wolfe